REMARKS

This is a full and timely response to the outstanding final Office Action mailed August 10, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

In the present case, the prior art does not teach or suggest all of the claim limitations, and there is no suggestion or motivation in the prior art to modify the references to include those limitations.

A. Rejection of Claims 1, 3-7, 9, 10, 12, 15-19, and 24-28

Claims 1, 3-7, 9, 10, 12, 15-19, and 24-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker, et al.* (U.S. Pat. No. 6,494,562) in view of *Maehara* (U.S. Pub. No. 2004/0125393). Applicant respectfully traverses this rejection.

1. The Walker Disclosure

Walker discloses a method and apparatus for identifying a sales channel. *Walker*, Patent Title. As described by Walker, a component in a printer stores seller information identifying a seller of the printer component. *Walker*, column 3, lines 13-17. When the printer component is exhausted or when a user requests seller information, the printer retrieves the seller information from the printer component and provides it to the user, for example in the display of the printer. *Walker*, column 4, lines 11-18; column 5, lines 10-28.

2. The Maehara Disclosure

Maehara discloses a problem monitoring/reporting system used in an image reproducing apparatus. *Maehara*, paragraphs 0045-0046. When a problem occurs with the apparatus, the apparatus reports the problem to a terminal device. *Maehara*, paragraph 0046. In reporting the problem, various information can be conveyed, including "location information" of the apparatus. *Maehara*, paragraph 0059.

3. Applicant's Claims

a. Claims 1 and 3-9

1. A method for implementing device regionalization, comprising:

identifying with a peripheral device a region code stored on a component installed within the peripheral device, the region code identifying a particular geographical region; and

setting a geographical region for the peripheral device to be the geographical region identified by the region code.

As an initial matter, Applicant notes that there is absolutely no suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara. More particularly, there is no suggestion or motivation in the prior art to store "location information" that identifies the location of a device on Walker's printer. As described above, Walker's printer stores *seller information* that can be provided to a user when a printer component is exhausted and needs to be reordered. Walker, however, is not concerned with "reporting problems" at all. Therefore, the Examiner's argument that a person having ordinary skill in the art would be motivated to store "location information" in Walker's printer lacks merit. First, the user to whom information is provided in Walker's system, unlike an administrator who is charged with fixing problems with devices, presumably already knows where the printer is given that the user already uses the printer. Second, Walker only describes providing the information stored on the printer to the user *at the printer. See Walker*, column 5, lines 18-28. It therefore would not make any sense to provide "location information" that identifies the location of the printer to the user when the user is already standing in front of the printer. From the above, it appears clear that the true motivation for the combination and associated modification is provided by Applicant's own specification and a desire

to reject Applicant's claims. As is well established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness cannot be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

Turning to the merits of claim 1, the cited references clearly do not render obvious "setting a geographical region" for a peripheral device based upon a geographical region identified by a region code stored on a component installed within the device. Again, Walker is only concerned with identifying a seller of an exhausted component to facilitate replacement of the component, while Maehara is only concerned with reporting device problems. Neither Walker nor Maehara even contemplates the concept of "setting a geographical region for the peripheral device to be the geographical region identified by the region code". The reason for this is simple: neither Walker nor Maehara is concerned with setting a geographical region for a device to ensure only certain components designated for that region can be used with the device. Therefore, even if the teachings of Maehara were properly combinable with those of Walker and it would have been obvious to store Maehara's "location information" on Walker's printer, there still would be no teaching or suggestion of "setting a geographical region for the peripheral device to be the geographical region identified by the region code" as required by independent claim 1.

In view of the above, it is clear that Walker and Maehara do not render claim 1, or its dependents, obvious. Applicant therefore requests that the rejection be withdrawn.

Regarding dependent claim 4, Walker does not, as suggested by the Examiner, store information already stored on the printer component on the printer itself. Instead, the printer merely reads the information from the component and displays it for the user.

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Regarding dependent claim 5, Walker does not, as suggested by the Examiner, "lock" any information on the printer and neither reference teaches or suggests locking a "region code" "such that only components intended for sale in that geographical region can be used with the peripheral device". As to the latter limitation, neither Walker nor Maehara even contemplates controlling a device so that only certain components can be used with it.

Regarding dependent claim 6, Walker does not, as suggested by the Examiner, teach "determining the number of pages that have been printed by the peripheral device and locking the region code if the number of pages reaches a predetermined threshold". Indeed, Walker is silent as to his printer taking any action relative to a "determined" number of pages. Instead, Walker only teaches providing seller information (i) upon component exhaustion, or (ii) in response to a user request.

Regarding dependent claim 8, neither reference teaches "accessing a database on the user computer that cross-references the region code with components available for use with the peripheral device to identify components that can be presented to a user for purchase". First, neither Walker nor Maehara even contemplates the concept of a "region code". At best, Maehara identifies the location of an imaging device to facilitate location and repair of the device. Second, neither Walker nor Maehara discloses using such a code to locate components identified in a "database".

Regarding dependent claim 9, neither reference teaches "providing the region code to a device driver that executes on the user computer and wherein accessing a database comprises accessing the database with the device driver". Indeed, as confirmed by a computerized word search, neither reference even discusses a "driver" used in conjunction with a printing device.

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b.   Claims 10, 12, and 15

10.   A system for implementing device regionalization that executes on a peripheral device, the system comprising:

means provided on the peripheral device for reading a region code embedded within a device component installed within the peripheral device, the region code identifying a particular geographical region; and

means provided on the peripheral device for setting a geographical region for the peripheral device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the peripheral device.

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

Turning to the merits of claim 10, neither reference teaches or suggests "means provided on the peripheral device for setting a geographical region for the peripheral device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the peripheral device" for reasons described above in relation to claim 1.

Regarding dependent claim 12, neither reference teaches or suggests "means for providing the region code to a device driver that executes on a user computer" for reasons described in relation to claim 9 above.

Regarding dependent claim 15, neither reference teaches or suggests "means for setting a geographical region comprise means for determining the number of pages that have been printed and comparing that number with a predetermined threshold" for reasons described above in relation to claim 6.

c. Claims 16-19

16. A system stored on a computer-readable storage medium, comprising:

logic for reading a region code from a device component installed in a peripheral device, the region code identifying a particular geographical region;

logic configured to store the read region code within peripheral device memory; and

logic configured to provide the stored region code to a device driver that executes on a user computer.

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

Turning to the merits of claim 16, neither reference teaches or suggests either "logic configured to store the read region code within peripheral device memory" or "logic configured to provide the stored region code to a device driver that executes on a user computer". Again, the information stored on Walker's printer component is not described as also being stored in "memory" of the printer. Instead, the information is simply read from a printer component (e.g., ink cartridge) by Walker's printer and presented to the user. Also, neither reference even discusses a "device driver".

Regarding dependent claim 17, neither reference teaches or suggests logic configured to "lock the region code on the peripheral device, such that only components intended for sale in the identified geographical region can be used with the peripheral device" for reasons described above in relation to claim 5.

Regarding dependent claim 18, neither reference teaches or suggests logic configured to lock the region code "after a predetermined number of pages have been printed by the peripheral device" for reasons described above in relation to claim 6.

Regarding dependent claim 19, neither reference teaches or suggests logic configured "provide the region code to the device driver when the device driver communicates with the peripheral device to send the peripheral device a print job" for reasons described in relation to claim 9. Again, neither reference even mentions a driver, much less providing geographical information to the driver when the driver sends a "print job" to the peripheral device.

d. Claims 24-26

24. A peripheral device, comprising:
a processing device; and
memory including *a region identification system that is configured to* read a region code from an encoded component installed within the peripheral device, the region code identifying a particular geographical region, and to *set a geographical region for the peripheral device to be the geographical region identified by the region code such that only components intended for sale in that geographical region can be used with the peripheral device.*

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

Turning to the merits of claim 24, neither reference teaches or suggests a "region identification system that is configured to . . . set a geographical region for the peripheral device to be the geographical region identified by the region code such that only components intended

for sale in that geographical region can be used with the peripheral device" for reasons described above in relation to claim 1.

Regarding dependent claim 26, neither reference teaches or suggests setting a region code "after a predetermined number of pages have been printed by the peripheral device" for reasons described above in relation to claim 6.

e.   Claims 27 and 28

27.   A *device driver* stored on a computer-readable storage medium, the driver comprising:

a *component identification module that is configured to receive a region code from a peripheral device that is controlled by the device driver*, the region code identifying a particular geographical region, *to access a database using the region code and a device model to determine the components that pertain to the geographical region and the peripheral device and therefore are available for use with the peripheral device*, and *to identify the determined components to a device user*.

As an initial matter, Applicant reiterates that there is no legitimate suggestion or motivation in the prior art to modify Walker's system with the teachings of Maehara.

As a second matter, neither reference even mentions a "device driver". Given that fact, it is difficult to understand how the references render Applicant's claim to a "device driver" obvious. Regardless, neither reference teaches a device driver that comprises a "component identification module" that is configured to "receive a region code from a peripheral device that is controlled by the device driver", "access a database using the region code and a device model to determine the components that pertain to the geographical region and the peripheral device and therefore

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are available for use with the peripheral device" and "identify the determined components to a device user".
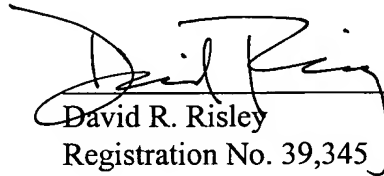
f.   Conclusion

In view of the foregoing it is clear that (i) the references are not properly combinable and there is no suggestion or motivation to modify Walker's system in view of the Maehara reference, and (ii) even if there were proper suggestion/motivation, the references still fail to teach or suggest most of limitations of Applicant's claims. Accordingly, Applicant submits that the rejection is improper and should be withdrawn.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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